

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET, SW**  
**WASHINGTON, DC 20554**

JUL 20 2011

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Resonate Hawaii, LLC  
Attn: Dan Deeb  
74-5605 Luhia Street, #B-7  
Kailua-Kona, HI 96740

In re: KTBH-FM, Kurtistown, HI  
Facility ID No.: 164281  
Resonate Hawaii, LLC ("RH")  
BPH-20110516AAH

Dear Applicant:

This letter refers to: (1) the above-captioned minor change application, as amended on July 6, 2011, to modify effective radiated power, antenna height, antenna location, and KTBH's assignment from Channel 271C2 to Channel 273C3 via "one-step" procedures; and (2) the June 13, 2011 Commission letter indicating a violation of 47 C.F.R. § 73.211.

An engineering review of the amended application has revealed that the proposed one-step assignment reference site fails to provide adequate city grade coverage as required by 47 C.F.R. § 73.315(a). Specifically, the one-step FM assignment reference site fails to encompass 100% of the community of Kurtistown using the 70 dBu reference distance for a maximum class C3 station.<sup>1</sup> This violation constitutes an acceptance defect.

The June 13, 2011 Commission letter to KTBH stated that pursuant to 47 C.F.R. § 73.3522, "... an applicant whose application is found to meet the minimum filing requirements but nevertheless is not complete and acceptable shall have the opportunity in the 30-day period specified in the FCC staff's deficiency letter to correct all deficiencies in the tenderability and acceptability of the underlying application, including any deficiency not specifically identified by the staff." Additionally, 47 C.F.R. § 73.3564 states that, "[a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for corrective amendment." See Appendix B in the Report and Order in MM Docket No. 91-347. The June 13, 2011 letter provided KTBH its 30 day period to submit a corrective amendment pursuant to 47 C.F.R. § 73.3522. Therefore, application BPH-20110516AAH, being unacceptable for filing after the one opportunity for corrective amendment, will be dismissed.

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<sup>1</sup> The 70 dBu contour for a maximum Class C3 25 kW ERP/100 m HAAT station extends 23 km.

In light of the above, application BPH-20110516AAH, as amended on July 6, 2011, is unacceptable for filing and HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci". The signature is stylized with a large initial "R" and a long horizontal line at the end.

Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Media Bureau

cc: James L. Oyster, Esq.  
David J. Doherty, Engr.